BEFORE THE MINNESOTA
BOARD OF VETERINARY MEDICINE

In the Matter of
Rachel Kantola, D.V.M.
License No. 04399

STIPULATION AND ORDER

STIPULATION

Rachel Kantola, D.V.M. ("Licensee"), and the Minnesota Board of Veterinary Medicine Complaint Review Committee ("Complaint Review Committee") agree that the above-referenced matter may be resolved without trial of any issue or fact as follows:

I.

JURISDICTION

A. The Minnesota Board of Veterinary Medicine ("Board") is authorized pursuant to Minnesota Statutes chapter 156 to license and regulate veterinarians and to take disciplinary action as appropriate.

B. Licensee holds a license from the Board to practice veterinary medicine in the State of Minnesota and is subject to the jurisdiction of the Board with respect to the matters referred to in this Stipulation and Order.

II.

COMPLAINT REVIEW COMMITTEE

A. The Complaint Review Committee that negotiated this Stipulation with Licensee is composed of Meg Glattly, D.V.M., Board Secretary-Treasurer, John Lawrence, D.V.M., Board Vice President, and John King, D.V.M., Executive Director of the Board. Susan E. Damon,
Assistant Attorney General, represented the Complaint Review Committee in this matter. Joseph Friedberg, Esq. represented Licensee.

III.

FACTS

A. For purposes of Board of Veterinary Medicine proceedings only and without prejudice to Licensee in a proceeding in any other forum, the Board may consider the following as true:

1. Licensee was initially licensed by the Board to practice veterinary medicine in the State of Minnesota on June 12, 1999.

2. Licensee practiced veterinary medicine in Minnesota from the time of her licensure until about April 2007, when she began practicing in another state.

3. The Board received a complaint against Licensee. Based on its investigation of the complaint, the Board has determined that the following occurred:

   a. Licensee authorized HycoDan to be dispensed for a dog without first having established a veterinarian-client-patient relationship by having personally examined the dog and determining that treatment with HycoDan was therapeutically indicated. Licensee authorized the drug to be dispensed at the request of another veterinarian who told Licensee that the drug was for the dog of his friends who lived in another state.

   b. Licensee prescribed Vicodin and Concerta, using the name of a pet, knowing that the drugs would be used by a human.

   c. Licensee dispensed controlled substances on six occasions for animals owned either by Licensee or another veterinarian without documenting the prescriptions in the patient records.
4. Licensee signed a participation agreement with the Health Professional Services Program ("HPSP") on December 15, 2006, which requires Licensee to be monitored for a minimum of 18 months.

IV.

LAWS

A. Licensee acknowledges that the facts and conduct described in section III above would, if proven at a hearing, constitute violations of Minn. Stat. § 156.081, subd. 2(6) and (12) and Minn. R. 9100.0700, subp. 1.J. and 9100.0800, subp. 4.A(9) and are sufficient grounds for the remedy set forth below.

V.

REMEDY

A. Based on the foregoing facts and violations, the Board takes the following disciplinary action against Licensee:

1. Licensee is reprimanded.

2. Licensee is placed on probation with the Board until such time as the Board grants Licensee an unconditional license in accordance with part VII herein.

3. Licensee shall comply with all state and federal laws and rules governing the practice of veterinary medicine, including all laws and rules governing the prescription and dispensing of controlled substances.

4. Licensee shall comply with and fulfill all terms and conditions of her HPSP Participation Agreement and Monitoring Plan and any amendments or modifications thereto, as determined by HPSP.
5. Licensee shall pay to the Board $1500 in costs. Payment shall be sent to the Board of Veterinary Medicine c/o John King, D.V.M., Executive Director, 2829 University Avenue S.E., Suite 540, Minneapolis, MN 55414, no later than 60 days from the date of this Order.

VI.

CONSEQUENCES OF A VIOLATION

A. Hearing Before the Board. If the Committee determines that Licensee has violated any term or condition of this Stipulation and Order, the Committee may schedule a hearing before the Board and serve on Licensee a Notice of Hearing for Alleged Non-Compliance with Stipulation and Order ("Notice"), which sets forth the allegations against Licensee and provides Licensee notice of the date, time and place of the hearing before the Board. The procedures set forth in paragraph VI.B below shall apply to the hearing.

B. Hearing Procedures. The following procedures shall apply:

1. Notice of Hearing and Response to Allegations in Notice. At least 20 days before the scheduled hearing, the Committee shall serve the Notice of Hearing for Alleged Non-Compliance with Stipulation and Order on Licensee. At least seven days before the hearing, Licensee shall submit a written response to the allegations set forth in the Notice. If Licensee does not submit a timely response to the Board, the allegations may be deemed admitted.

2. Hearing Before Board. The Board shall hold a hearing before its own members in accordance with the procedures set forth in paragraph VI.B.3 below to determine whether the allegations are true and, if so, whether to take additional disciplinary action against Licensee, which may include the suspension of Licensee’s license or other disciplinary action authorized by Minn. Stat. § 156.127.
3. **Evidence at Hearing/Burden of Proof/Waiver of Hearing Before Administrative Law Judge.** At the hearing before the Board, the Committee and Licensee may present affidavits made on personal knowledge or authenticated documents and may present argument based on such evidence in support of their positions. The record before the Board shall be limited to such affidavits, documents and this Stipulation and Order. The Committee shall file with the Board all evidence it intends to present at the hearing and shall serve a copy on Licensee at least 14 days before the hearing. Licensee shall file with the Board all evidence she intends to present at the hearing and shall serve a copy on the Committee at least seven days before the hearing. The Committee must prove by a preponderance of the evidence that Licensee has violated this Stipulation and Order. The Board shall issue a final order within 30 days of the hearing. Licensee waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

4. **Costs.** If the Committee proves by a preponderance of the evidence that Licensee has violated this Stipulation and Order, the Board may require Licensee to pay costs of the proceedings. The costs of the proceedings may include the cost paid by the Board to the Office of the Attorney General for investigative and legal services, the cost of reproducing records and documents, Board staff time, travel costs and expenses, and Board members’ per diem reimbursements, travel costs and expenses.

C. **Statutory Procedures.** Nothing herein shall limit the Committee’s right to attempt to resolve an alleged violation of this Stipulation and Order through the procedures of Minn. Stat. § 214.103, subd. 6 or to initiate a contested case proceeding under Minn. Stat. ch. 14 based on an alleged violation of this Stipulation and Order.
VII.

PETITION FOR UNCONDITIONAL LICENSE

A. Licensee may petition the Board to issue an order granting her an unconditional license at any regularly scheduled Board meeting at least two years from the date of this Stipulation and Order and following Licensee’s successful completion of her HPSP Participation Agreement and Monitoring Plan. At the time of her petition, Licensee shall have the burden of proving that she has fully complied with this Stipulation and Order.

VIII.

ADDITIONAL INFORMATION

A. Licensee knowingly and voluntarily waives a contested case hearing and all other procedures before the Board to which Licensee may be entitled under the Minnesota and United States constitutions, statutes, or rules.

B. Licensee knowingly and voluntarily waives any and all claims against the Board, the Minnesota Attorney General, the State of Minnesota, and their agents, employees and representatives related to the investigation of the conduct herein, or the negotiation or execution of this Stipulation and Order, which may otherwise be available to Licensee.

C. This Stipulation and Order, the files, records and proceedings associated with this matter shall constitute the entire record and may be reviewed by the Board in its consideration of this matter.

D. Licensee acknowledges that she was represented by counsel in this matter.

E. Licensee has read, understands and agrees to this Stipulation and Order and has voluntarily signed the Stipulation and Order. Licensee is aware that this Stipulation and Order must be approved by the Board before it goes into effect. The Board may either approve the
Stipulation and Order as proposed, approve it subject to specified change, or reject it. If the changes are acceptable to Licensee, the Stipulation and Order will take effect and the Order as modified will be issued. If the changes are unacceptable to Licensee or if the Board rejects the Stipulation and Order, it will be of no effect except as specified in paragraph VIII.F.

F. Licensee agrees that if the Board rejects this Stipulation and Order or a lesser remedy than indicated in this settlement, and this case comes again before the Board, Licensee will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation and Order or of any records relating to it.

G. This Stipulation and Order shall not limit the Board's authority to proceed against Licensee by initiating a contested case hearing or by other appropriate means on the basis of any act, conduct, or omission of Licensee which constitutes grounds for disciplinary action and which is not directly related to the specific facts and circumstances set forth in this document.

IX.

DATA PRACTICES NOTICES

A. This Stipulation and Order constitutes disciplinary action by the Board and is classified as public data pursuant to Minn. Stat. § 13.41, subd. 4.

B. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies this Stipulation.

RACHEL KANTOLA, D.V.M.
Licensee

AFFIDAVIT OF SERVICE BY U.S. MAIL

Re: In the Matter of an Investigation by the Minnesota Board of Veterinary Medicine

STATE OF MINNESOTA     )
                         ) ss.
COUNTY OF RAMSEY        )

DEBORAH A. BASTYR, being first duly sworn, deposes and says:

That at the City of St. Paul, County of Ramsey and State of Minnesota, on September 20, 2007, she caused to be served the Stipulation and Order, by depositing the same in the United States mail at said city and state, a true and correct copy thereof, properly enveloped with prepaid first class postage, and addressed to:

Joseph S. Friedberg, Esq.
Fifth Street Towers, Suite 320
150 South Fifth Street
Minneapolis, Minnesota 55402

Subscribed and sworn to before me on September 21, 2007.

DEBORAH A. BASTYR

NOTARY PUBLIC